



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,001	09/24/2003	Kenneth James Park	SLA.1277	6228

55376 7590 12/29/2005

ROBERT D. VARITZ  
4915 S.E. 33RD PLACE  
PORTLAND, OR 97202

EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
----------	--------------

2685

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,001	<b>Applicant(s)</b> PARK ET AL.	
	<b>Examiner</b> Blane J. Jackson	<b>Art Unit</b> 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1- 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Specification, page 4, lines 15-21 indicate three method steps of the independent claims: "The new data...is first rendered in computer readable form", "The method of the invention determines if the data can be stored in a single graphics file" and "In the method of the invention, the PRL data is converted into a graphical representation or bar-code" where the "method of the invention" in itself is not enabling, does not contain sufficient information as to what device and how to perform the associated method step.

The meaning of section "Field of the Invention" is unclear.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble and method steps of claims 1, 7 and 12 read on a mobile communication device that provides data for graphic representation and, in a contradictory fashion, reads and stores the same graphic representation. It is expected that these functions would be carried out by two separate devices, since it is understood that the inventive concept is to provide data exchange between two units in the form of a graphic image as opposed to an RF or similar link.

With a view to these USC 112 issues, a search of prior art was performed to encompass the claim elements interpreted to comprise a mobile communication device equipped to provide a graphic representation (barcode) and the ability to read the presented graphic data using an optical data capture mechanism (CCD) *by another similarly equipped* mobile communication device.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Airas (US 2005/0119032).

As to claim 1, Airas teaches a method of acquiring data filed in a mobile communication device, having data storage locations, wherein the mobile communication device includes an optical data capture mechanism comprising:

Providing data in a computer readable form (figures 3 and 8, a mobile communication terminal with a graphic editor application allows the user to present a barcode or other graphic symbols for display on the phone as an optical message, paragraphs 0067-0073),

Determining if the data can be stored in a single graphics file (the optical message contained in the graphic data is selected by the user, paragraph 0073),

Converting data to a graphic representation (paragraph 0073),

Reading and storing the graphic representation with the optical capture mechanism in the mobile communication device (displayed barcode displayed and captured by a built in camera (35), paragraph 0079 and storing: paragraph 0076, applications include information or data exchange, paragraph 0086).

As to claim 2 and 13 with respect to claims 1 and 12, Airas teaches if data cannot be stored in a single graphic file, converting the data to plural graphic representations (submenu item "create messages" gives access to a graphic editor application to select symbols to be displayed where a barcode includes a given amount of information, paragraph 0073).

As to claim 3, Airas teaches the method of claim 1 wherein storing includes capturing the graphic representation, determining if the graphic representation is successfully captures (phone comprises an optical character recognition application to recognize characters in text and symbols captured by the camera paragraph 0079) decoding the graphic representation (encoding outgoing messages and decoding when received by the camera, paragraph 0084) and storing the decoded graphic representation in the mobile communication devices data storage location (paragraph 0076).

As to claims 4 and 14 with respect to claims 1 and 12, Airas teaches the method of claim 3 further includes reading the graphic representation until capture is successful if the graphic representation is not successfully captured, where this would be an inherent function of the optical character recognition application, paragraph 0079.

The claim elements for claim 12 are a combination of claims 1 and 3 discussed above.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2685

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 15 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Airas (US 2005/0119032) with a view to Hayes, Jr. et al. (US 5,974,312).

As to claims 5 and 6 with respect to claim 1, Airas teaches a method for wireless information or data exchange between mobile communication devices through the presentation and capture of graphic images, paragraph 0086, but does not teach capturing a factory default setting to restore factory default setting or a preferred roaming list data in the mobile communication device.

Hayes teaches a method for wireless reprogramming of memories in electronic communication devices where the short range wireless link comprises a channel other than an RF channel such as an infrared channel or magnetic coupling, column 3, line 65 to column 4, line 23. The wireless programmer is used to correct the memories of devices which have been manufactured and packaged but with errors in a stored program code or operational parameters as well as update the memory of the device which has been distributed to the end user, column 4, line 57 to column 5, line 20.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the optical data exchange method of Airas as the wireless communication method of Hayes as a convenient alternative for a short range wireless link between the wireless programmer and mobile communication device.

As to claims 7 and 11, Airas teaches a method of acquiring *data* filed in a mobile communication device, having data storage locations, wherein the mobile communication device includes an optical data capture mechanism comprising:

Providing data in a computer readable form (figures 3 and 8, a mobile communication terminal with a graphic editor application allows the user to present a barcode or other graphic symbols for display on the phone as an optical message, paragraphs 0067-0073),

Determining if the data can be stored in a single graphics file (the optical message contained in the graphic data is selected by the user, paragraph 0073),

Converting data to a graphic representation (paragraph 0073),

Reading and storing the graphic representation with the optical capture mechanism in the mobile communication device (displayed barcode displayed and captured by a built in camera (35), paragraph 0079 and storing: paragraph 0076, applications include information or data exchange, paragraph 0086).

Airas teaches a method for wireless information or data exchange between mobile communication devices through the presentation and capture of graphic images, paragraph 0086, but does not teach capturing a factory default setting to restore factory default setting or a preferred roaming list data in the mobile communication device.

Hayes teaches a method for wireless reprogramming of memories in electronic communication devices where the short range wireless link comprises a channel other than an RF channel such as an infrared channel or magnetic coupling, column 3, line 65 to column 4, line 23. The wireless programmer is used to correct the memories of



Art Unit: 2685

devices which have been manufactured and packaged but with errors in a stored program code or operational parameters as well as update the memory of the device which has been distributed to the end user, column 4, line 57 to column 5, line 20.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the optical data exchange method of Airas as the wireless communication method of Hayes as a convenient alternative for a short range wireless link between the wireless programmer and mobile communication device.

As to claim 8 with respect to claim 7, Airas teaches if preferred roaming list data cannot be stored in a single graphic file, converting the data to plural graphic representations (submenu item "create messages" gives access to a graphic editor application to select symbols to be displayed where a barcode includes a given amount of information, paragraph 0073).

As to claim 9 with respect to claim 7, Airas teaches storing includes capturing the graphic representation, determining if the graphic representation is successfully captures (phone comprises an optical character recognition application to recognize characters in text and symbols captured by the camera paragraph 0079) decoding the graphic representation (encoding outgoing messages and decoding when received by the camera, paragraph 0084) and storing the decoded graphic representation of the preferred roaming list data in the mobile communication devices preferred roaming list data storage location (paragraph 0076).

As to claim 10, Airas teaches the method of claim 3 further includes reading the graphic representation until capture is successful if the graphic representation is not successfully captured, where this would be an inherent function of the optical character recognition application, paragraph 0079.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shanahan (US 2003/0008646) discloses a device for programming user defined information into an wireless electronic device.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ

  
